

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON THE DATE INDICATED BELOW.

BY

DATE

*Solange L. Benson*

*Feb. 28, 2000*



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Patent Application of	:	Group Art Unit: 2735
	William F. Gallagher, III, et al.	:	
Appln. No.:	09/428,033	:	Examiner:
Filed:	October 27, 1999	:	
For:	<b>ANTICOLLISION PROTOCOL WITH FAST READ REQUEST AND ADDITIONAL SCHEMES FOR READING MULTIPLE TRANSPONDERS IN AN RFID SYSTEM</b>	:	Attorney Docket
		:	No. 9870-15US

**SUBMISSION OF PAPERS FILED UNDER 37 C.F.R. 1.47(a) AND  
PETITION FEE AUTHORIZATION FOR PAPERS FILED UNDER 37 CFR 1.47(a)**

Enclosed are the following papers for the above-identified application.

1. A "Declaration and Power of Attorney" form for Checkpoint Inc. joint inventors Gallagher, Salesky and Inui. Each of these inventors also signed for nonsigning inventor Benedetti.
2. A Declaration for Microchip Technology Inc. joint inventors Alexander, Furey and Lee. Each of these inventors also signed for nonsigning inventor Benedetti.
3. A Power of Attorney By Assignee for Microchip Technology Inc.
4. A Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor Benedetti (37 CFR 1.47(a)).

The Petition Fee required by 37 CFR 1.17(i) is to be paid by charging Account No. 50-1017 (209870.0015) the sum of \$130.00. A duplicate copy of this petition is attached.

03/07/2000 TLUU11 0000009 501017 09428033

03 FC:122 130.00 CH

Respectfully submitted,

**WILLIAM F. GALLAGHER, III, ET AL.**

February 28, 2000  
(Date)

By:

Clark Jabol

**CLARK A. JABLO**

Registration No. 35,039

**AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.**

One Commerce Square

2005 Market Street - Suite 2200

Philadelphia, PA 19103

Telephone: (215) 965-1200

**Direct Dial: (215) 965-1293**

Facsimile: (215) 965-1210

CAJ:vlb  
Enclosure

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PARENTS, WASHINGTON, D.C. 20231, ON THE DATE INDICATED BELOW.

BY Julie S. Johnson DATE Sept. 28, 2008

DATE Oct. 30, 1962

#3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Patent Application of Group Art Unit: 2735  
William F. Gallagher, III, et al.

Appln. No.: 09/428,033 Examiner:

Filed: October 27, 1999

For: **ANTICOLLISION PROTOCOL WITH FAST  
READ REQUEST AND ADDITIONAL  
SCHEMES FOR READING MULTIPLE  
TRANSPONDERS IN AN RFID SYSTEM**





**STATEMENT OF FACTS IN SUPPORT OF FILING  
ON BEHALF OF NONSIGNING INVENTOR (37 CFR 1.47(a))**

This statement is being submitted for the above-identified application.

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration of the nonsigning joint inventor Riccardo Benedetti (hereafter, “Benedetti”) for the above-identified patent application.

## **IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS**

Clark A. Jablon, Esq.  
Akin, Gump, Strauss, Hauer & Feld, L.L.P.  
One Commerce Square  
2005 Market Street, 22<sup>nd</sup> Floor  
Philadelphia, PA 19103

**LAST KNOWN ADDRESS OF NONSIGNING INVENTOR**

Full name of nonsigning inventor: Riccardo Benedetti

Last known address: 3312 Avalon Court, Voorhees, NJ 08043-4642 (residence)

c/o Fam. W. Burger, Stadacherstr. 42, CH-8320 Fehraltorf, Switzerland

(other address at which Benedetti might be reached)

RECEIVED

SEP 17 2003

## OFFICE OF PETITIONS

## DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR

At the time in which the present application was ready for filing, a representative of Checkpoint, Inc., joint inventor William Gallagher, informed me that Benedetti was no longer in communication with Checkpoint, Inc., the entity who retained him develop portions of the claimed invention. I was also informed by Gallagher of the last known address that was in Checkpoint's files, namely, the Voorhees, NJ address stated above. Gallagher also informed me that it was his understanding that Benedetti is no longer in the United States and could not be reached at the Voorhees, NJ address. Accordingly, the application was filed without inventor signatures and the following attempts were made to obtain Benedetti's signature shortly after the application was filed.

1. On January 4, 2000, I mailed a letter to Benedetti's last known address (Voorhees, NJ) by Certified Mail and First Class Mail. The letter was accompanied by a copy of the application and a Declaration & Power of Attorney for his signature. Both packages were returned to us unopened by the U.S. Post Office. Appendix A is a copy of the letter. Appendix B is a copy of the First Class Mail envelope returned by the U.S. Post Office. Appendix C is a copy of the Certified Mail envelope as returned to us unopened by the U.S. Patent Office. This envelope states that Benedetti's forwarding order expired.

2. On or about February 4, 2000, I was informed that Benedetti told joint inventor Inui that he could be reached at the Swiss address listed above (presumably the Burger residence). On February 4, 2000, I mailed another letter to Benedetti at that address via DHL Worldwide Express. That letter also was accompanied by a copy of the application and a Declaration & Power of Attorney for his signature. According to DHL records, this package was signed for by a person named "Burger" on February 7, 2000. Appendix D is a copy of the February 4 letter. Appendix E is a copy of the DHL label.

To date, no communications were received from Benedetti in response to the letter of February 4, 2000. Nor were any other communications received from Benedetti regarding this matter.

February 28, 2000  
(Date)

By: Clark Jablon  
(Signature of person making this statement)  
**CLARK A. JABLON**  
Registration No. 35,039  
Attorney for Applicants

# APPENDIX A

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

ATTORNEYS AT LAW

AUSTIN  
BRUSSELS  
DALLAS  
HOUSTON  
LONDON  
LOS ANGELES  
MOSCOW  
NEW YORK  
PHILADELPHIA  
SAN ANTONIO  
WASHINGTON, D.C.



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LAW OFFICE OF ABDULAZIZ H. FAHAD

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
INCLUDING PROFESSIONAL CORPORATIONS  
ONE COMMERCE SQUARE  
2005 MARKET STREET  
SUITE 2200  
PHILADELPHIA, PA 19103  
(215) 965-1293  
FAX (215) 965-1210  
[www.akingump.com](http://www.akingump.com)

WRITER'S E-MAIL ADDRESS: [cjablon@akingump.com](mailto:cjablon@akingump.com)

January 4, 2000

*Via U.S. CERTIFIED & FIRST CLASS MAIL*

*Return Receipt Label No. Z 273 845 086*

Riccardo Benedetti, Ph.D.  
3312 Avalon Court  
Voorhees, NJ 08043-4642

Re: New U.S. Patent Application entitled "ANTICOLLISION  
PROTOCOL WITH FAST READ REQUEST AND  
ADDITIONAL SCHEMES FOR READING MULTIPLE  
TRANSPONDERS IN AN RFID SYSTEM"  
Our File No. 209870.0015/015US

Dear Dr. Benedetti:

You were named as a joint inventor of the subject matter set forth in the claims of the above-identified application. Accordingly, it is necessary for us to try to obtain your signature on a joint inventor Declaration and a joint Assignment.

Enclosed are the following documents:

1. A complete copy of the patent application which names you as a joint inventor, including the specification, drawings and claims.
2. A Declaration & Power of Attorney for the patent application.
3. An Assignment of the invention to Checkpoint, Inc.

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

Riccardo Benedetti, Ph.D.  
January 4, 2000  
Page 2

Please read, sign and date the Declaration and Power of Attorney form. The Declaration should be signed exactly as your typed name appears. Please also fill in your current residence, post office address and citizenship below your name.

You should then execute the Assignment before a notary who should notarize your signature. The Assignment should be executed after the Declaration is signed. Please also fill in your post office address and citizenship on the Assignment. If, for any reason, you object to signing the Assignment but agree that you are joint inventor of the claimed invention, then please sign the Declaration & Power of Attorney form and let us know what your objection is to the Assignment.

After the two formal papers have been signed, please return them to us for filing in the U.S. Patent & Trademark Office. A stamped, self-addressed envelope is enclosed for this purpose. Please retain the application (item 1 above) for your records.

The address listed above is the last known address for you in the records of Checkpoint, Inc. Our understanding is that you may no longer be at that address. If you receive this correspondence, please also advise us of your current mailing address.

Please return the signed formal papers to us by **January 21, 2000**. Please contact us if you cannot meet that deadline.

Sincerely,

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

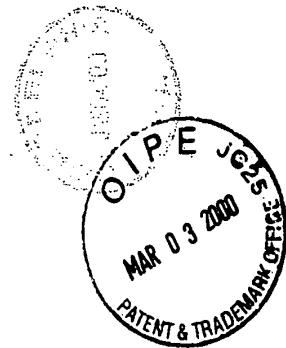
*Clark Jabolon*

CLARK A. JABLON

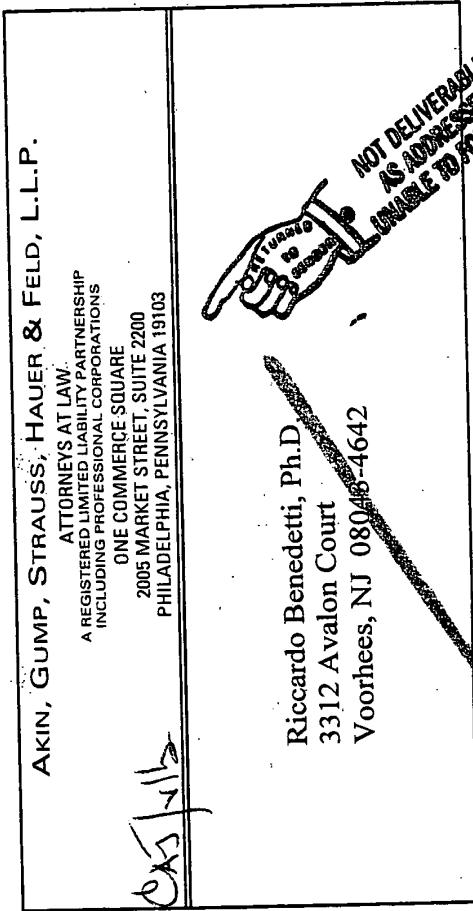
CAJ/vlb  
Enclosures

cc: Mr. Douglas Karp (w/o Enclosures)  
Mr. William F. Gallagher, III (w/o Enclosures)  
Mr. Roger St. Amand - Microchip Technology (w/o Enclosures)

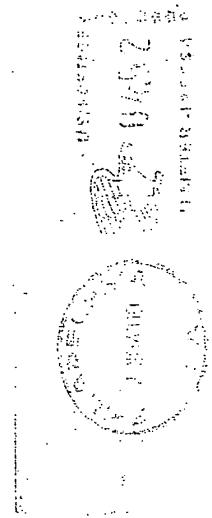
# APPENDIX B



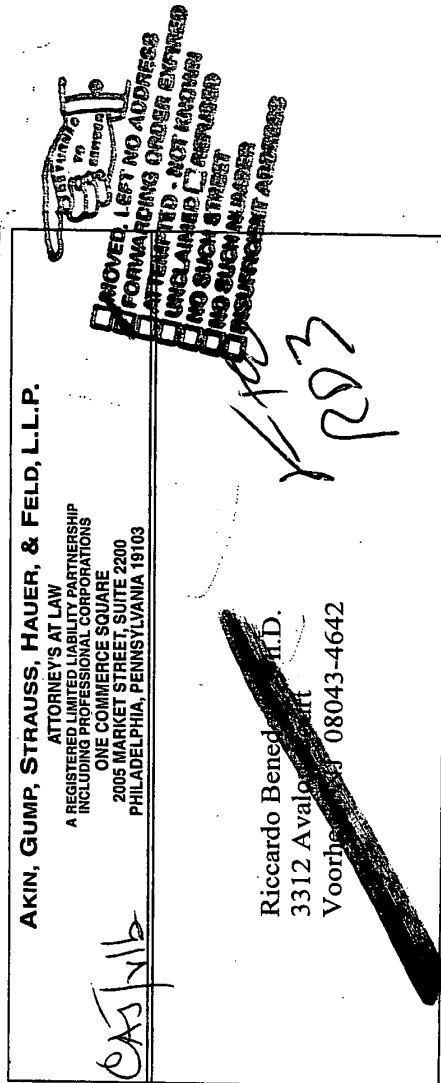
MOV(C)



# APPENDIX C



2 273 845 086



your RETURN ADDRESS completed on the reverse side?

#### SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write 'Return Receipt Requested' on the mailpiece below the article number. The Return Receipt will show to whom the article was delivered and the date delivered.

#### 3. Article Addressed to:

Riccardo Benedetti, Ph.D.  
3312 Avon Court  
Voorhees, NJ 08043-4642

I also wish to receive the following services (for an extra fee):

1.  Addressee's Address
2.  Restricted Delivery

Consult postmaster for fee.

#### 4a. Article Number

2 273 845 086

#### 4b. Service Type

Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

#### 7. Date of Delivery

#### 5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

#### 6. Signature: (Addressee or Agent)

X

Thank you for using Return Receipt Service.

# APPENDIX D

## AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

ATTORNEYS AT LAW

AUSTIN  
BRUSSELS  
DALLAS  
HOUSTON  
LONDON  
LOS ANGELES  
MOSCOW  
NEW YORK  
PHILADELPHIA  
SAN ANTONIO  
WASHINGTON, D.C.



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RIYADH - IN AFFILIATION WITH  
LAW OFFICE OF ABDULAZIZ H. FAHAD

WRITER'S E-MAIL ADDRESS: [cjablon@akingump.com](mailto:cjablon@akingump.com)

February 4, 2000

*Via DHL Worldwide Express*

Riccardo Benedetti, Ph.D.  
c/o Fam. W. Burger  
Stadacherstr. 42  
CH-8320 Fehraltorf  
SWITZERLAND

Re: U.S. Patent Application No. 09/428,033 of William F. Gallaghe III  
entitled "ANTICOLLISION PROTOCOL WITH FAST READ  
REQUEST AND ADDITIONAL SCHEMES FOR READING  
MULTIPLE TRANSPONDERS IN AN RFID SYSTEM"  
Filed: October 27, 1999  
Our File No. 209870.0015/015US

Dear Dr. Benedetti:

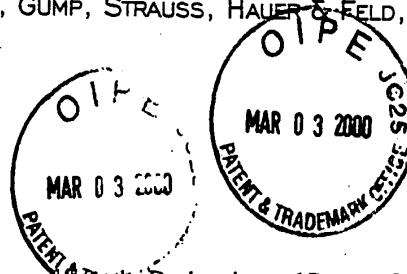
You were named as a joint inventor of the subject matter set forth in the claims of the above-identified application. Accordingly, it is necessary for us to try to obtain your signature on a joint inventor Declaration and a joint Assignment.

Enclosed are the following documents:

1. A complete copy of the patent application which names you as a joint inventor, including the specification, drawings and claims.
2. A Declaration & Power of Attorney for the patent application.
3. An Assignment of the invention to Checkpoint, Inc.

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

Riccardo Benedetti, Ph.D.  
February 4, 2000  
Page 2



Please read, sign and date the Declaration and Power of Attorney form. The Declaration should be signed exactly as your typed name appears. Please also fill in your current residence, post office address and citizenship below your name.

You should then sign and date the Assignment. Since you are not in the United States, you do not need to have the notary section filled out. Please also fill in your post office address and citizenship on the Assignment. If, for any reason, you object to signing the Assignment but agree that you are joint inventor of the claimed invention, then please sign the Declaration & Power of Attorney form and let us know what your objection is to the Assignment.

After the two formal papers have been signed, please return them to us for filing in the U.S. Patent & Trademark Office. Please retain the application (item 1 above) for your records.

We originally sent this correspondence to the last known address for you in the records of Checkpoint, Inc. (3312 Avalon Court, Voorhees, NJ 08043-4642) but the correspondence was returned to us as undeliverable. We were recently informed that you may be locatable at this address. If you receive this correspondence, please also advise us of your current mailing address.

Please return the signed formal papers to us so that we receive them by February 26, 2000. Please contact us via e-mail ([cjablon@akingump.com](mailto:cjablon@akingump.com)), if you cannot meet that deadline.

Sincerely,

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

CLARK A. JABLON

CAJ/vlb  
Enclosures

cc: Mr. Douglas Karp (w/o Enclosures)  
Mr. William F. Gallagher, III (w/o Enclosures)  
Mr. Roger St. Amand - Microchip Technology (w/o Enclosures)

# APPENDIX E

Confirmed delivery by Debbie  
2/7/00 @ 10:21a signed by Burger

REORDER 76323344-27		QTY 150	ORIGIN	DESTINATION
<b>DHL</b> INTERNATIONAL EXPRESS		1-800-CALL-DHL (No U.S. only)	792316313	
<input type="checkbox"/> From (Shipper)  <b>AKIN, GUMP + STRAUSS + HAUER &amp; FELD</b> <b>Support name</b> <b>Lawrence A. Jablon, Esq.</b>		<input type="checkbox"/> Shipper's reference  <b>76323344</b>   <b>209870.00157058</b>	<input type="checkbox"/> Our shipper number in in memory  	
<b>Address</b> <b>SUITE 2200</b> <b>2005 MARKET ST</b> <b>PHILADELPHIA, PA</b>		<b>Dimensions in inches</b> <input type="checkbox"/> @ <input checked="" type="checkbox"/> x <input type="checkbox"/> x <input type="checkbox"/> @ <input type="checkbox"/> x <input checked="" type="checkbox"/> height		
<b>Zip code (required)</b> <b>191037042</b>		<b>Weight if DHL Express Document</b> <b>packaging is used, enter X-D</b> <b>lb</b>		
<b>2. To (Recipient)</b>  <b>Category name</b> <b>7/0 Farm, W. Burger</b> <b>Auction</b> <b>Ricardo Benedetti, Ph.D.</b> <b>Delivery address</b> <b>DHL cannot deliver to a P.O. Box</b> <b>Stadacherstr. 42</b> <b>CH-8820 Fehraster</b> <b>SWITZERLAND</b>		<b>3. Shipment details</b> <b>792316313</b>		
<b>5. Shipper's authorization and signature</b>  <small>WE agree that DHL's standard terms apply to this shipment and limit DHL's liability for loss or damage to no more than \$100. The Worldwide Convention may apply (see reverse). We authorize DHL to complete any necessary documentation to effect delivery to the recipient if the recipient or third party does not pay. We understand that DHL DOES NOT TRANSPORT CASH.</small>		<b>4. Pcs/Weight/Size</b> <b>No. of pieces</b> <b>1</b>		
<b>zip/postcode (required)</b> <b>Phone/Fax/E-mail (circle one required)</b>		<b>5. Origin</b> <b>PHL</b>		
<b>International non document shipments only</b> <b>Attach original and four copies of a Commercial Invoice</b> <b>Declared value for customs (in US \$)</b> <b>Export License No./Symbol (if applicable)</b>		<b>6. Destination</b> <b>792316313</b>		
<b>Harmonized Schad. B No. (if applicable)</b> <b>Shipper's EIN/SSN</b>		<b>7. Dimensions</b> <b>Length</b> <b>Width</b> <b>Height</b>		
<b>Type of export</b> <input type="checkbox"/> Permanent <input checked="" type="checkbox"/> Repair/Return <small>These commodities, technology or software were shipped from or destined to a country in violation of the Export Administration Regulations or the International Traffic in Arms Regulations. The recipient or a third party may not re-export or otherwise transfer these commodities, technology or software to another country in violation of U.S. law prohibited.</small>		<b>8. Other</b> <b>Destination duties/taxes if left blank recipient pays duties/taxes</b> <input type="checkbox"/> Recipient <input type="checkbox"/> Shipper <input type="checkbox"/> Other <small>Specify destination approved account number</small>		